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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO
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07/357,797 05/30/89 NILSSEN

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EXAMINER

SHINGLETON, M

ART UNIT

PAPER NUMBER

2

252

DATE MAILED:

01/15/91

OLE K. NILSSEN
CAESAR DRIVE
BARRINGTON, IL 60010

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☐ Responsive to communication filed on ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 30 month(s), 30 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I: THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892. 2. ☐ Notice re Patent Drawing, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449. 4. ☐ Notice of Informal Patent Application, Form PTO-152
5. ☐ Information on How to Effect Drawing Changes, PTO-1474. 6. ☐

Part II: SUMMARY OF ACTION

1. ☒ Claims 1-18 are pending in the application.

Of the above, claims are withdrawn from consideration.

2. ☐ Claims have been cancelled.

3. ☐ Claims are allowed.

4. ☐ Claims are rejected.

5. ☐ Claims are objected to.

6. ☒ Claims 1-18 are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. ; filed on

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

SERIAL NO. 357,797

-2-

ART UNIT 252

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-7, drawn to a specific inverter circuit, classified in Class 315, subclass 209R+.

II. Claims 9-12 and 14, drawn to lamp housing arrangement that includes an inverter disposed in the base, classified in Class 361, subclass 377.

III. Claims 15-18, drawn to an "u" lamp structure, classified in Class 313, subclass 634+.

Inventions I, II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility from that of Group II and III in that this invention does not require the incorporation of the inverter in base means or the use of a lamp means having two tubes with a "transverse-oriented column of gas" having a specific cross sectional relationship for patentability, for example the inverter (Group I) could be used with any fluorescent lamp in any housing. Group II does not require the particulars of Group I or III, for any inverter circuit could be used in the base and a fluorescent lamp other than one with a specific cross sectional relationship could be used. The same goes for Group III, for Group III does not require the particulars of Group I or II, for example the lamp can be used with an inverter located outside the base and could be used with an inverter other than Group I. See (MPEP 806.05(d)).


Note that the combination claims 8 and 13 clearly rely on the details of the subcombination for patentability rather than on the combination itself. This is evidenced by the fact that the subcombinations have been claimed separately.

The combinations claim 8 and 13 will be withdrawn from consideration no matter which group is elected, since these claims would still include subject matter of the non elected inventions.

If the elected invention (Group I, II or III) is found to be allowable then the respective combination claim (Claim 8 or 13) will be rejoined with the allowable invention and passed to issue.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Shingleton whose telephone number is (703) 308-0712. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.


Shingleton/mbs
14 January 1990


EUGENE R. LAROCHE
SUPERVISORY PATENT EXAMINER